05-2019-CF-042107-A XXX-XX

Palm Bay Police Department CR# 19-008449

IN THE CIRCUIT COURT
OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

FILED IN PALM BAY
CLERK OF CIR. CT.
BREVARD CO. FL.
2019 SEP 23 P 4:21
SCOTT ELLIS

SEARCH WARRANT- DIGITAL DEVICE

IN THE NAME OF THE STATE OF FLORIDA,

TO: The Sheriff of Brevard County, Florida or his deputies, and the Chief of the Palm Bay Police Department or any of his duly sworn officers, and the Commissioner of the Florida Department of Law Enforcement or any of his duly constituted agents:

WHEREAS, complaint on oath and in writing, supported by affidavit, having been made by Detective Jennifer Graves #125 of the Palm Bay Police Department,

AND WHEREAS, said facts made known to me have caused me to certify and find that there is probable cause to believe that evidence of the violation of certain laws, to wit: F.S. 800.04(5)(a) Lewd or Lascivious Molestation, F.S. 800.04(7) Lewd or Lascivious Exhibition and F.S. 847.0135(3)(a) Certain Uses of a Computer Prohibited, is being kept and is contained in the blue and black Samsung Galaxy Note 9 smartphone, entered into Palm Bay Police Department property and evidence under item #JA5. The digital device was seized when it was consensually given to police by [redacted] The current location of the digital device is Palm Bay Police Department, 130 Malabar Rd. SE, Brevard County, Florida. To reach the premises where the digital device is located one would begin at the intersection of Malabar Rd. and Minton Rd. in the city of Palm Bay, proceed east on Malabar Rd. for approximately 300 feet. Palm Bay Police Department is located directly to the south, 130 Malabar Rd. SE Palm Bay, Florida.

The affidavit for the search warrant, by the affiant, **Detective Jennifer Graves #125** of the Palm Bay Police Department, sets forth the facts, which establish probable cause for the Affiant to believe that there is now on, in, at, or within the above-described digital device (including SIM card(s), memory card(s), and flash memory card(s)), certain items related to the above-mentioned offenses that occurred in Brevard County, Florida or evidence relevant to proving that a felony has been committed, to wit:

1. Electronic address books and information
2. Incoming and outgoing call detail logs
3. Digital photographs
4. Video
5. Text messages (SMS, MMS) in the user's inbox, sent, saved, and trash folders
6. Contents of communications, including file attachments, in the user's email inbox, sent email, saved email, and email trash folders
7. Contents of communications, including file attachments, associated with the user's third-party messaging or social media applications.
8. Files showing ownership, possession, or control of digital device and associated storage disks

9. System data information and device identification information (i.e. serial number, IMEI number) related to the digital device
10. Files associated with the device listed above, including password protected files, both text and image types that may include, but are not limited to: ".doc, .txt, .gif, .bmp, .tif, .pcs, .pic, .png, .dcs, .art or .jpeg.", that can be stored or saved by these suffixes or they can be renamed and saved under different titles
11. System application data or network data, including logs

The Court has reason to believe and does believe that there is now being kept in said digital device the above-described evidence which is now being kept or used in violation of the laws of State of Florida or which constitutes evidence relevant to proving that a felony has been committed, to wit: F.S. 800.04(5)(a) Lewd or Lascivious Molestation, F.S. 800.04(7) Lewd or Lascivious Exhibition and F.S. 847.0135(3)(a) Certain Uses of a Computer Prohibited.

The Court has considered the Affidavit, which is herein incorporated by reference, and is satisfied to the existence of the facts as set forth therein, and finds that said facts do establish and constitute probable cause for the issuance of a Search Warrant for the above described digital device.

NOW THEREFORE, you, with such lawful assistance as may be necessary, to include forensic computer analyst experts or any other assistance that may be located outside of Brevard County, are hereby commanded, in the daytime or in the nighttime, or on any Sunday, to enter, search, and examine said digital device for the items described above in this Warrant for the seizure and safekeeping thereof, and if the same or any part thereof be found, you are hereby authorized to seize and secure same, giving proper receipt therefore and delivering a completed copy of this Warrant to the person in control of the premises, or in the absence of any such person, leaving a completed copy where the items are found, and making a return of your doings under this Warrant within ten (10) days of the date of execution of this Warrant, and you are further directed to bring said property so found before the Court having jurisdiction of this offense to be used in the prosecution of persons violating this offense and thereafter to be disposed according to the law.

This Court, having been advised that during the forensic examination process, it is often required for the examiner to extract all digital data – not just the target data – from the digital device(s), as users may store information or images in random order or with deceptive file names. Therefore, you are authorized to extract and/or examine all of the stored data contained on said device(s) to determine whether it contains material relevant to the above-stated investigation and/or material that establishes ownership or control of said device(s).

FURTHER, you are authorized to utilize the various recognized processes to analyze the above-described device including 1) connecting the device to forensic applications, which will gather the data contained within that device, 2) removing the circuit board from the digital device and soldering wires to points used by the manufacturer and directly accessing the memory on the digital device ["JTAG"] which may result in damage to the digital device, and 3) removing the flash memory chip on the digital device that actually stores the data on the device and reading

the data directly from the chip ["Chip-Off"] which will likely result in the permanent physical destruction of the device while still allowing access to the data that was stored on the device. The Court hereby instructs you to utilize the least destructive means to analyze the device before using more potentially destructive methods described in this paragraph, if necessary.

ORDERED THIS 9/10/2019 **DAY OF SEPTEMBER, 2019.**

9/10/2019 10:28:16 AM

Robert Segal
Circuit Judge

JUDGE OF THE CIRCUIT COURT
EIGHTEENTH JUDICIAL CIRCUIT
BREVARD COUNTY, FLORIDA